

**Pasadena Independent Police Audit on Critical Event Recommendation Implementation**

2009 - Barnes, Leroy	Reference	Type	Recommendation	Implemented	Sources
	<b>BarnesOIR#1</b>	OIS Investigation	We recommend that the Department modify its officer-involved shooting protocols to ensure that training personnel are part of the rollout team.	Partial	OIR 2014 McDade Report - "[T]he Department's training personnel were not called to roll out to the crime scene, PPD should again consider revising protocols to ensure that training personnel are part of the rollout team for officer-involved shootings." Policy 310.7. "As part of this investigation, the Administrative Services Lieutenant and Training Sergeant may respond to all officer-involved shootings where there is injury or death."
	<b>BarnesOIR#2</b>	OIS Investigation	We recommend that investigators assigned to conduct interviews of personnel in officer-involved shooting investigations be trained in the deleterious consequences of leading questions in these investigations. We further recommend that the investigators' supervisors be tasked with reviewing interviews of officers involved in shootings to ensure that such a practice does not occur.	Yes	OIR 2014 McDade Report - "PPD informed us that in response to our concerns in the Barnes' report and recommendations regarding the deleterious consequences of leading questions and the apparent failure to identify their existence by report reviewing supervisors, (see OIR Barnes Report, Recommendation No. 2), PPD detectives were provided interview skill training by the Los Angeles District Attorney's Office. Further, the Department informed us that during the McDade detective investigation, increased supervisory oversight was provided, supervisors routinely met, conferenced and were briefed regarding interviews of witnesses, and one supervisor was tasked with the final review and approval of the investigative report. This attention to our concerns articulated in our Barnes report had apparent beneficial results; we did not see the use of leading questions in the McDade investigation. Moreover, in response to OIR Group's Recommendation No. 2 in the Barnes report, and to its credit, PPD created a Crime Scene Response and Management Course curriculum, incorporating issues identified by us in that report and mandated attendance to all supervisors."

	<b>BarnesOIR#3</b>	OIS Investigation	We recommend that the Department formalize its protocols for promoting the cooperation of witnesses while acknowledging their rights under the prevailing circumstances. One option is to use a form and waiver system that clarifies the status of witnesses and their options about traveling to the station to be interviewed. We further recommend that investigators assigned to officer-involved investigations be debriefed on the investigation's purpose and instructed to refrain from using certain interrogative techniques in interviewing potential witnesses to the incident.	Yes	OIR 2014 McDade Report - "Recommendation No. 3 regarding promoting cooperation of witnesses did not present itself in McDade." PPD reports that with the advent of Body Worn Cameras, the practice is to record witness interviews, including issues of consent. Additionally, there was a 2105 Chief's Bulletin directing officers to "to obtain consent from a witness prior to transporting him or her to the police station by utilizing either video or audio recording methods."
	<b>BarnesOIR#4</b>	OIS Investigation	We recommend that the Department modify its officer-involved shooting investigative protocols so that interviewers routinely use diagrams to obtain a permanent account of the sequential positioning of involved personnel and civilians.	Yes	OIR 2014 McDade Report - In our Barnes report, we recommended that the interviewers routinely use diagrams to obtain a permanent account of the sequential positioning of involved personnel and civilians, (see OIR Barnes Report, Recommendation No. 4). PPD informed us that in the McDade investigation, GPS information was pulled from portable devices and downloaded immediately. That information was used during the investigative process. The investigation also addressed our recommendation that there be a record indicating sequential positioning of involved personnel and civilians.

	<b>BarnesOIR#5</b>	OIS Investigation	We recommend that PPD investigators eliminate any reference to the Grossman/Lewinski constructs and focus their interviews on learning the involved officers' observations, positioning, actions, decision making and state of mind using basic open-ended and fact neutral who, what, when, where, how and why questions.	Yes	OIR 2014 McDade Report - [I]n response to our Barnes' Report, Recommendation No. 5, the Grassman/Lewinski force science construct was eliminated as a resource by PPD and thus not used during the McDade investigation or review.
	<b>BarnesOIR#6</b>	OIS Investigation	The Department should develop consistent protocols on whether, prior to being interviewed, involved personnel will be shown video capturing the incident. One possible protocol for the Department to consider would be to interview the involved personnel during a walkthrough of the event, allow them to view the video, and then follow up by asking if the video caused them to refresh their recollection about the incident.	No	OIR 2014 McDade Report - Our suggestion was that the Department should first interview the involved officers, then provide the officers the opportunity to view the video evidence, and conduct a follow-up interview asking the officers if the video information refreshed their recollection of the incident. In the McDade shooting, however, the Department provided both video and audio evidence to the officers prior to obtaining any interview from them. 310.8 AUDIO AND VIDEO RECORDINGS Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV), Body Worn Camera or any other video or audio recordings prior to providing a recorded statement or completing reports.
	<b>BarnesOIR#7</b>	Transparency	We recommend that the Department continue its commitment to transparency in providing timely information to the public, but redouble its efforts to ensure that such information is completely accurate before doing so.	Yes	OIR 2014 McDade Report -In response to our Barnes' Report, Recommendation No. 7 that PPD provide timely and accurate information about the shooting to the public, PPD indicated that within three hours of the shooting, the media and community stakeholders were provided preliminary information concerning the incident.

	<b>BarnesOIR#8</b>	OIS Review	We recommend that internal supervisory protocols be developed to ensure that the administrative presentation to command staff initiate identification of tactical issues, that use of diagrams, trajectory of bullets, location of casings and other forensic evidence be used to assist in explaining the positioning of individuals at various times during the evidence, that the reference to “force science” issues be eliminated, and that the presenter has a mastery not only of the presentation itself but the complete investigative file so that questions raised by command staff can be adequately addressed.	Yes	OIR 2014 McDade Report - "With regard to OIR Group's recommendations in the Barnes report that training staff be involved in the identification of those tactical issues, the Administrative Memorandum documented that the Department's training staff was present and participated in the Executive Review discussion, in addition to designing and implementing post incident police officer training involving shooting from vehicles and tactical decision making."
	<b>BarnesOIR#9</b>	Accountability	In order for the Department to benefit from past shooting incidents, it should ensure enforcement of its officer-involved shooting investigation retention policy so that such investigations are preserved at least throughout the career of each officer. In addition, the administrative review should routinely closely examine past officer-involved shootings or other relevant history of involved officers to identify any commonalities of tactical decision making and decisions to deploy deadly force.	Yes	OIR 2014 McDade Report - In response to our Barnes Report, Recommendation No. 9, that officer-involved shooting investigations are preserved at least throughout the career of the officer and that the administrative review should examine past officer involved shootings or other relevant history of involved officers to identify any commonalities of decision making, PPD indicated that the investigative file of the McDade shooting will be retained for the duration of the officers' career barring any court rulings or procedures that hold contrary [redacted].

	<b>BarnesOIR#10</b>	OIS Review	We recommend that in officer-involved shooting reviews, training staff be involved in the identification of tactical issues to be presented by Professional Standards investigators and be part of the subsequent discussion and	Yes	OIR McDade Report - "the Administrative Memorandum documented that the Department's training staff was present and participated in the Executive Review discussion, in addition to designing and implementing post-incident police officer training involving shooting from vehicles and tactical decision
	<b>BarnesOIR#11</b>	OIS Review	We recommend that each member of the executive review team be provided access to the officer-involved shooting investigative file prior to the executive review.	Yes	OIR McDade Report - "Moreover, the Administrative Memorandum expressly noted that consistent with our Barnes recommendation, each member of the review team was provided access to the officer-involved shooting investigative file prior to the executive review."

	<b>BarnesOIR#12</b>	OIS Review	<p>The Department should require that a timely and robust action plan be devised in every officer-involved shooting. The plan should address issues that may have presented themselves in each of the following areas: shooting scene/rollout response, investigative issues, individual accountability (potential violations of policy), tactical issues, supervisory issues, training issues, equipment issues, and information to the public. In addition to incorporating different strategies and methods to address each issue ranging from policy development to discipline, training, and counseling, the action plan should ensure that each impacted unit or individual where issues have been identified is briefed about any concerns raised during the executive review process. The Department should further ensure that an effective and timely feedback loop be devised so that the executive review recommendations incorporated into the action plan are implemented.</p>	Partial	<p>OIR McDade Report - "We recommended precisely this in our 2009 Barnes report and we repeat the recommendation here." "The development of a timely and robust action plan was featured as a recommendation in our Barnes' report. See Barnes' report, Recommendation No. 12. While the Department asserts that it has followed our recommendation here, for the reasons detailed above, we do not believe the after item actions in McDade completely satisfied that recommendation."</p>
	<b>BarnesOIR#13</b>	OIS Review	<p>We recommend that the Department require that a training bulletin be devised for every officer-involved shooting that addresses issues identified through the review process.</p>	Partial	<p>PPD reports that they design scenario-based training drawing from real-world examples identified in force reviews, but there was no training bulletin.</p>

	<b>BarnesOIR#14</b>	OIS Investigation	The Department should develop protocols that provide a mechanism to carefully assess the status and assignment of officers involved in officer-involved shootings during the pendency of the investigation.	Yes	OIR McDade Report - "With regard to our Barnes' Report Recommendation No. 14 that the Department develop protocols that provide a mechanism to carefully assess the status and assignment of officers involved in officer-involved shootings, PPD reports that a deliberate process for doing so had been devised."
<b>McDade, Kendrec 2014</b>					
	<b>McDadeOIR#1</b>	OIS Investigation	Because in McDade, the Department's training personnel were not called to roll out to the crime scene, PPD should again consider revising protocols to ensure that training personnel are part of the rollout team for officer-involved shootings.	Partial	Policy 310.7. "As part of this investigation, the Administrative Services Lieutenant and Training Sergeant may respond to all officer-involved shootings where there is injury or death."
	<b>McDadeOIR#2</b>	OIS Investigation	Pasadena PD and the City should revisit the current Letter of Agreement with the Pasadena Peace Officers Association requiring the Department to preview recorded evidence with officers prior to being interviewed about officer-involved shootings (as they did in the McDade case) and should strive to develop protocols that would prevent officers from previewing recorded evidence prior to their interviews.	No	310.8 AUDIO AND VIDEO RECORDINGS Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV), Body Worn Camera or any other video or audio recordings prior to providing a recorded statement or completing reports.

	<b>McDadeOIR#3</b>	OIS Investigation	To avoid the use of telephonic interviews as occurred in the McDade case, PPD should develop protocols discouraging the use of telephonic interviews in officer-involved shooting investigations. When in person interviews prove to be impracticable, the investigative file should explain why.	Yes	Police 310.6.3. Unless circumstances prevent otherwise, investigative interviews should be conducted face-to-face. In those circumstances when a face-to-face interview is impractical or cannot be conducted in person, such circumstances shall be documented in the investigative report.
	<b>McDadeOIR#4</b>	OIS Investigation	Because in the McDade case, despite our suggestions, witnesses were not asked questions that could have supported or contradicted involved officers' version of events, Pasadena PD should design investigative protocols that would ensure that witnesses were questioned about observations that could do so.	Partial	PPD uses POST trainings for investigative techniques (including cognitive interviewing), but does not have an OIS investigations manual. PPD was provided with examples of such a manual.
	<b>McDadeOIR#5</b>	OIS Investigation	Because in the McDade case the Department failed to conduct an administrative investigation, the Department should develop protocols requiring that in every use of deadly force incident, Pasadena PD should conduct an administrative investigation that, at a minimum, includes follow-up interviews of the involved officers regarding tactical decision making and collects sufficient additional evidence so that the executive team may identify and assess performance, supervision and equipment issues based on the involved officers' articulated mindset	Yes	Policy 310 Officer-Involved Shootings and In-Custody Death Investigations  310.1 PURPOSE AND SCOPE This policy is to establish protocols for the investigation of incidents in which a police officer discharges his/her firearm during the course and scope of

	<b>McDadeOIR#6</b>	Transparency	Because the independent reviewers in the McDade shooting were not invited to attend the Department's administrative review, should PPD engage in future independent reviews, it should reconsider inviting such reviewers to attend those reviews.	Yes	Response to Public Safety Committee. PPD acknowledged that this is best practice "recognizes the importance of independent reviews."
	<b>McDadeOIR#7</b>	Training	The Department should brief the involved officers and issue a training bulletin on the tactical considerations and potential disadvantages in operating a patrol car while holding a firearm in one hand.	Partial	Response to Public Safety Committee. Concepts incorporated into EVOC (emergency vehicle obstacle course) training. Did not issue specific bulletin.
	<b>McDadeOIR#8</b>	Training	Considering what occurred in the McDade incident, the Department should devise protocols and provide training on those protocols that would require immediate radio notification if officers who are following a suspect collide with a structure, however minor.	Yes	Policy 314 Vehicle Pursuits properly instructs the secondary officer to broadcast location/direction/event information while primary officer focuses on apprehension.
	<b>McDadeOIR#9</b>	Training	The Department should brief the involved officers in the McDade shooting and devise a training bulletin for all PPD officers advising them of the Department's foot pursuit policy, the tactical disadvantages of splitting from a partner, the policy's requirement that officers broadcast whether they believe the suspect is armed, and the tactical concerns in closing distance on a believed to be armed suspect.	Partial	Policy 458 - Foot Pursuit Policy properly instructs officers about the tactical risks of foot pursuits, including the issues identified by OIR. Also, most departments do not have a Foot Pursuit Policy. PPD reports that foot policy is trained in Field Training and in scenario-based training. Response to Public Safety - department developed a Foot Pursuit Training Course. However, they did not issue the specific training bulletin as recommended.

	<b>McDadeOIR#10</b>	Policy	To avoid the officer and public safety issues that arose in this case as a result of the decision to attempt to cut off Mr. McDade and box him in, PPD should circumscribe its tactical policies and create training that would prohibit a "cut off" and "box in" maneuver when pursuing suspects believed to be armed.	Partial	Response to Public Safety - "department disagrees." Policy 314 Vehicle Pursuits - "As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle."
	<b>McDadeOIR#11</b>	Training	PPD should brief the involved officer and issue a roll call briefing and/or training bulletin regarding the need under stressful circumstances to remember to place your car in park	No	Response to Public Safety - EVOC covers driving under stress. But no specific training on putting the car in park.
	<b>McDadeOIR#12</b>	Technology	The City should consider whether it should allocate funding for a new mobile audio video system to be installed in PPD patrol cars.	Yes	BWC and Axon fleet in-car development.
	<b>McDadeOIR#13</b>	Policy	Because in McDade the involved officers chose not to respond with lights and siren and therefore their in-car audio video system was not automatically activated and because they did not manually activate the system, the Department should devise policy requiring manual activation of the in car audio video system when an officer is responding to felony calls or pursuing a person believed to be armed.	Partial	Body Worn Camera policy requires activation for response to all calls; no mandatory policy for dashcams. Could be revisited under implementation of Axon Fleet cameras.

	<b>McDadeOIR#14</b>	Technology	PPD should equip its officers with mobile audio devices.	Yes	Body Worn Camera Policy 450 "Each uniformed member (Officers, Detention Officers, Park Safety, and Community Safety Officers) shall be responsible for making sure that he/she is equipped with a BWC issued by the Department, and that the recorder is in good working order prior to each shift."
	<b>McDadeOIR#15</b>	Policy	Because in the McDade shooting, no involved officers activated their mobile audio devices, PPD should devise policy specifying when officers are required to activate mobile audio devices.	Yes	Body Worn Camera Policy 450. Mobile audio devices replaced with BWC.
	<b>McDadeOIR#16</b>	OIS Investigation	Crime scene photographs should be carefully reviewed by the investigators. If there is evidence of items having been moved, inquiry should be undertaken into that movement and case notes should explain the circumstances behind the movement.	Yes	Officers are now trained not to move any vehicles that were used during an OIS except to allow medical access, as occurred in McDade. If vehicles are moved, it is now documented.
	<b>McDadeOIR#17</b>	OIS Investigation	Because in the McDade shooting, the involved officers were not interviewed until thirty-six hours after the incident, Pasadena PD should devise protocols so that interviews of involved officers are conducted no more than a few hours after the incident.	Partial	"Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview." This recommendation has no force and effect for criminal investigations. PPD should consider the value of conducting concurrent criminal-administrative investigations.

	<b>McDadeOIR#18</b>	OIS Review	As was eventually done in the McDade review, a robust and detailed administrative memorandum should be timely prepared that documents the discussion, issues identified, and determinations by the Review Board with regard to tactical decision-making, policy concerns, supervision, equipment, post incident response and assessment of the internal investigations.	Yes	This was done in McDade and PPD reports this is current practice.
	<b>McDadeOIR#19</b>	OIS Review	Pasadena PD's critical incident administrative review process should include a documented, tailored and detailed action plan designed to target and address any issues involving tactics, supervision, training, equipment, or post-incident response or investigative issues.	Partial	OIR McDade Report - "We recommended precisely this in our 2009 Barnes report and we repeat the recommendation here." "The development of a timely and robust action plan was featured as a recommendation in our Barnes' report. See Barnes' report, Recommendation No. 12. While the Department asserts that it has followed our recommendation here, for the reasons detailed above, we do not believe the after item actions in McDade completely satisfied that recommendation."
	<b>McDadeOIR#20</b>	OIS Review	The critical incident review action plan should include as a necessary component that individual feedback is provided its involved officers and any other actions of PPD personnel regarding decision-making and issues identified during the internal review.	Yes	
	<b>McDadeOIR#21</b>	OIS Review	The critical incident review action plan should include as a necessary component the creation of a training bulletin that provides insight to all PPD personnel issues and challenges identified during the internal review.	Partial	

	<b>McDadeOIR#22</b>	OIS Review	The critical incident review action plan should include the assignment of tasks to PPD and include a report back date when the Review Board should reconvene and receive feedback about the efficacy of the actions ordered.	Partial	In discussions with PPD, they report that because Force Review Boards include command staff, there is a direct transfer of information to command about the needed changes and they work to implement. However, PPD does not have a formal tracking mechanism.
	<b>McDadeOIR#23</b>	OIS Review	<p>Once concerning officer tactical decision making is identified such as the involved officers:</p> <p>(1) not successfully broadcasting their observations of McDade being armed when they were following him in the police vehicle,</p> <p>(2) not communicating with each other regarding their apprehension plan,</p> <p>(3) continuing to pursue the suspect aggressively, including traversing an admittedly unsafe narrow throughway,</p> <p>(4) the driving officer deciding to take his gun out thus making difficult driving maneuvers with one hand,</p> <p>(5) failing to reevaluate the safeness of their actions after colliding the patrol car with a building wall,</p> <p>(6) failing to broadcast the traffic collision,</p> <p>(7) splitting partners without effective communication resulting in unclear understandings about their next moves,</p> <p>(8) the passenger officer deciding to chase an armed suspect on foot with the intent to apprehend rather than the preferred and safer goal of containment,</p> <p>(9) the driving officer deciding to</p>	Yes	This recommendation is more technical advice rather than an action item, and appears to address the concept of "officer created jeopardy." PPD reports that tactics and de-escalation analysis are part of their force reviews. This will be a focus of further reviews.

	<b>McDadeOIR#24</b>	OIS Review	In reviewing officer-involved shootings, PPD should recognize the strong correlation between officer tactical decision-making that is inconsistent with principles of officer and public safety and the eventual perceived need to use deadly force and use that principle, consistent with recent California Supreme Court jurisprudence, to assess and evaluate officer decision-making.	Yes	This recommendation is more technical advice rather than an action item, and appears to address the concept of "officer created jeopardy" or failure to de-escalate. PPD reports that tactics and de-escalation analysis are part of their force reviews. This will be a focus of further reviews.
	<b>McDadeOIR#25</b>	Training	The Department should continue to work to create a culture where officers are encouraged to use tactical proficiencies and decision-making consistent with principles of officer safety to dictate desired outcomes.	Yes	This recommendation is more technical advice and PPD reports that this is a significant goal of POST and PPD training. This will be a focus of further reviews.
	<b>McDadeOIR#26</b>	Transparency	The Department and the City should cement its commitment to transparency by authorizing release of a factual, analytical, public, and independent report that permits its public and stakeholders the ability to determine for themselves how the incident unfolded, how well the Department investigates and reviews officer-involved shootings, how well the Department holds involved personnel accountable, and how well the Department develops learning for itself and its officers in response to them.	Partial	Policy 310.5.3. Also see <a href="https://www.cityofpasadena.net/police/archive-critical-incident-briefings/critical-incident-ois-20008867-august-15-2020/">https://www.cityofpasadena.net/police/archive-critical-incident-briefings/critical-incident-ois-20008867-august-15-2020/</a> . However, some elements of the recommendation not included.
<b>Thomas Jr., Reginald 2016</b>					

	ThomasNPF#1	Training	<p>The PPD should review training curriculum to increase the use of Tactical Decision Games<sup>18</sup> that challenge participants to successfully resolve problems through quick, effective decision making. Non-technical skills such as leadership ability, communication skills, situation awareness and decision-making are critical to police officers in emergency situations. Tactical Decision Games have shown success in training responders in various industries to prepare for emergency situations that are characterized by ill-structured, uncertain, dynamic risky environments; shifting, ill-defined or competing goals; and time constraints.<sup>19</sup> The use of Tactical Decision Games will help the PPD and city to be better prepared for and respond to officer involved critical incidents, large scale events, as well as man-made and natural disasters.</p>	Yes	<p>PPD 2-20-20 Presentation to Public Safety Committee - "Training elements in various formats and scenarios to better prepare officers, including a focus on cognitive functioning, have been in place since 2017, with a goal of enhancing the decision-making of officers under difficult circumstances."</p>
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	ThomasNPF#2	Training	<p>The PPD should use this incident as a case study and increase the number of hours dedicated to de-escalation during crisis intervention training (CIT) courses, or create separate training dedicated to de-escalation. CIT is critical, but it is not always sufficient to produce the best outcomes in situations involving people who have a mental illness, under the influence of alcohol and/or drugs, or are otherwise in crisis and behaving erratically or dangerously toward themselves or others. De-escalation training should focus on recognition of persons in crisis, tactical communication, and safe tactics as part of an overall integrated strategy designed to slow the incident and produce better outcomes.</p>	Yes	<p>PPD 2-20-20 Presentation to Public Safety Committee - "Since 2016, the Department has increased and expanded its crisis intervention training, using real-life scenarios from actual events as reflected in its policy for de-escalation. Review of Body Worn Cameras (BWC) for training is an invaluable tool as is training on better understanding incident dynamics including encountering subjects under the influence of drugs and those suffering from a mental health crisis."</p>
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	<b>ThomasNPF#3</b>	UOF Review	<p>The PPD should review research related to use of force as well as department data to determine frequency and effectiveness of less lethal weapons. If appropriate, the results of the review should be used to modify training and less lethal options available to personnel. While there are no national rules on police use of less lethal weapons like CEWs, national best practices can help to guide department practices.<sup>22</sup> Regular reviews of department data is valuable to identify trends, anomalies, or other findings over time, and to inform decision making specific to the department.<sup>23</sup> Likewise, regular audits of CEW data can check to ensure the weapons are in proper condition and information obtained can be reconciled with existing use of force reports for accountability.<sup>24</sup></p>	Yes	<p>PPD 2-20-20 Presentation to Public Safety Committee - "With the development of less lethal weaponry, PPD continues to assess the new technology to determine its usefulness and effectiveness while ensuring that officers and the community stay safe. Additionally, members of the police department continue to study and train on the principles of force science in an attempt to better prepare and predict proper/appropriate force techniques."</p>
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	<b>ThomasNPF#4</b>	Technology	The PPD should broadly deploy less lethal devices that allow for greater distance between officers and suspects. While the CEW is effective in reducing injuries to suspects and officers in resistive situations, <sup>25</sup> the use when a suspect is armed with a weapon often results in officers getting too close to the suspect. This may increase the threat to the officers, community, and suspect. Potential options should include impact munitions <sup>26</sup> as well as longer distance applications of chemical agents such as pepper balls.	Yes	The Department continues to research less lethal devices and to assess their effectiveness. Ensuring a greater distance between officers and subjects is an essential and effective tactic; however, many encounters are at a close quarters distance. Longer range devices, such as rubber bullets, have proven to be successful from greater distances. Other devices, however, including pepper-spray, Tasers, and the baton have proven to be more problematic with individuals under the influence of narcotics.
	<b>ThomasNPF#5</b>	UOF Review	The Internal PPD use of force review should have a member, or members, of the Review Board assigned to "Red Team" the incident regardless of the Board's opinion. They should be encouraged to explore alternatives and feel comfortable challenging the organization to make it better. The private sector, in companies such as IBM, and government agencies like the Central Intelligence Agency and Sandia National Laboratories have been using "Red Teams" for years to improve their organizations. The United States Marine Corps describes the process "as a bright light we shine on ourselves to expose areas where we can improve effectiveness." <sup>29</sup>	No	"The 'Red Team' approach is intended to provide an aggressive counterpoint in discussions. While the approach can be of value in certain settings, the Department believes that the better approach on a Review Board is to engage all members of the Board in critical thinking and robust dialogue, rather than to assign one or two individuals to simply provide counterpoints."

	<b>ThomasNPF#6</b>	Transparency	<p>The Police Department should publish use of force review board findings while complying with the confidentiality requirements mandated in law. For example, during a compelled statement of a police officer that could lead to punitive action, certain reports may be deemed and kept confidential. Such records should remain confidential, but the general findings may still be publishable. Many reviews following critical incidents have used interviews to identify new areas of interest and to inform findings but have kept interviewee names confidential.<sup>30</sup> Protecting interview confidentiality can help to promote openness and honesty while pursuing a comprehensive analysis.</p>	Yes	<p>State mandated reporting, the Police Chief's monthly report, and an annual review of use of force reporting are all published. Additionally, moving forward, the PPD will make available records of administrative reviews of certain critical incidents on a going-forward basis, in accordance with recent amendments to state law.</p>
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	<b>ThomasNPF#7</b>	UOF Review	<p>If the PPD choses to continue with LASD a comprehensive Memorandum of Understanding (MOU) with the LASD should be established that includes roles and responsibilities for each agency. MOUs are valuable means of clearly delineating roles and responsibilities along with establishing other important aspects of the partnership.<sup>32</sup> The MOU should include a member of the PPD as an investigator/liaison that has immediate access to the investigation and is able to provide appropriate information to the Chief of Police or designee. Receiving timely information from the investigation would help department leaders make more informed decisions.</p>	Yes	<p>If the retention of LASD continues, the Department agrees with the implementation of a formal MOU. However, the PPD is preparing a return to using PPD investigators to review OIS and In-Custody deaths. The change in practice will allow PPD to provide the community with more timely updates, overviews, and investigative efforts. This approach would also allow for an earlier release of BWC video as well as other relevant video to the public.</p>
	<b>ThomasNPF#8</b>	UOF Review	<p>Should PPD desire to create a regional critical incident investigative collaborative, the tasks discussed in recommendation 7 above should be implemented until the collaborative can be solidified through a memorandum of understanding (MOU) of participating agencies. Examples of collaboratives exist in some counties of California as well as other states. Each critical incident response team protocol is customized to meet the unique needs of the agencies participating.</p>	Yes	<p>A collaborative approach to a regional investigative OIS team would require further research and discussions with area police departments.</p>

Police Foundation UOF Policy Review					
	NPFUOF#1	Policy	The PPD should consider restructuring use of force policies into categories of application, investigation, monitoring, and training/maintenance as described above. If the department chooses not to restructure their policies to incorporate all decisions and applications of use of force into one policy, the department should ensure relevant and consistent use of force language is included in each of the policies that incorporates legal requirements, decision making, and values of the department and community.	Yes	Policy 300.
	NPFUOF#2	Policy	The department should adopt a standardized framework for all use of force policies that includes consistent terms, definitions, and procedural detail.	Yes	Policy 300.
	NPFUOF#3	Policy	The department should clearly identify adopted and revised dates on each policy.	Partial	As policies are updated, the revision dates are added.
	NPFUOF#4	Transparency	The department should make available to the public, through its web site, all policies related to use of force. The policies should be the current versions approved by the department.	Yes	Policy 300; entire policy manual is online.

	<b>NPFUOF#5</b>	Policy	The PPD should implement a process or system for regularly reviewing and updating all departmental policy, as well as for ensuring that updated policies are shared on the department's website.	Partial	PPD uses Lexipol, which updates policies based on changes in law. However, there does not seem to be a policy mandating regular internal review based on lessons learned from the UOF Review Board. There are ad-hoc reviews that stem from audits and inspections.
	<b>NPFUOF#6</b>	Policy	The definitions section (300.1.1) should be revised to include and directly quote the definitions used in the legislative changes outlined in AB 392. It should also include the definition of great bodily injury used in Government Code 12525.2.14	Yes	"It is the policy of the Pasadena Police Department to use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer, subject, and others. The use of physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Department recognizes the value of all human life and dignity without bias." "Serious Bodily Injury – A bodily injury that involved a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member or organ (Government Code 12525.2(d)). Serious bodily injury should not, however, mean that one must see or require medical treatment at a hospital (e.g., a person experiences a loss of consciousness or because the injury is such that is not immediately apparent that hospital care is necessary)."

	<b>NPFUOF#7</b>	Policy	Section 300.2.1, “duty to Intercede,” currently requires “an officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.” While the intent appears to require all employees to report observed excessive force, the language only requires that officers report and not other members of the department. The requirement should require all employees to report.	Yes	300.2.1 DUTY TO INTERCEDE Any employee present and observing another employee using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An employee who observes another employee use force that exceeds the degree of force permitted by law and/or policy should promptly report these observations to a supervisor.
	<b>NPFUOF#8</b>	Policy	Section 300.2.1 “duty to Intercede,” only requires reporting of violations of law and does not require reporting of violations of policy. This policy should require employees to also report violations of policy related to the use of unreasonable force.	Yes	See above

	<b>NPFUOF#9</b>	Policy	<p>Section 300.3 and the subsequent subsections should be revised to ensure that language and intent of AB 392 is adequately and appropriately incorporated into policy including:</p> <p>a. The continued reference and expansion of the commitment to respecting human rights and dignity.</p> <p>b. The use of other available resources, tools, and techniques as alternatives to the use of force, if reasonably safe and feasible.</p> <p>c. Use of force shall be evaluated from the perspective of a reasonable officer in the same situation.</p> <p>d. Recognition that individuals with physical, mental health, developmental, or intellectual disabilities are more likely to experience greater levels of force during police interactions.</p>	Yes	<p>a. "The Department recognizes the value of all human life and dignity without bias (Government Code § 7286)."</p> <p>b. 300.3.5 DE-ESCALATION.</p> <p>c. "The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident."</p> <p>d. When time and circumstances reasonably permit, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including but not limited to:</p> <ul style="list-style-type: none"> <li>• Medical conditions</li> <li>• Mental impairment</li> <li>• Developmental disability</li> <li>• Physical limitation</li> <li>• Language barrier</li> </ul>
	<b>NPFUOF#10</b>	Policy	<p>To stay consistent with the direction of the chief of police and POST, the department should remove the use of carotid control hold in policy except when there is a risk of great bodily injury or death and no other reasonable alternatives exist.</p>	Yes	<p>300.3.7 "Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).</p>

	<b>NPFUOF#11</b>	Policy	Section 300.4 defines the use of deadly force and should be revised to mirror the language in AB 392 to include the requirement for officers to make reasonable efforts to identify themselves as peace officers and to warn if deadly force may be used unless the officers believe the person is aware of those facts.	Yes	<b>300.4 DEADLY FORCE APPLICATIONS</b> It is the intent of this policy that an officer use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. The use of deadly force is only justified in the following circumstances (Penal Code 835a):
	<b>NPFUOF#12</b>	Policy	Section 300.4.1 states, "Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle." The policy should allow this if there is a tactical need and approved by a supervisor.	Partial	<b>300.4.1 SHOOTING AT OR FROM MOVING VEHICLES</b> Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.  Except in cases of articulable circumstances, officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
	<b>NPFUOF#13</b>	Policy	Section 300.5.2 defines when a use of force report is to be completed by a supervisor. The use of force circumstance requiring reporting should be inclusive of all categorical use of force options available to officers.	Partial	Any incident where an employee's use of force involves a firearm, baton or impact weapon, dog bite, less-lethal weaponry, strikes, including but not limited to: hand, foot, elbow, or knee.

	<b>NPFUOF#14</b>	Policy	The policy should clearly state the affirmative requirement to attempt de-escalation tactics when safe and feasible. With de-escalation a necessary function of several other policies, the department may wish to consider creating a separate policy for de-escalation.	Yes	Policy 300.3.5 DE-ESCALATION.
	<b>NPFUOF#15</b>	Policy	The policy should describe and affirm the importance of force appropriateness. Examples include statements such as: officer use force that is appropriate to the threat or resistance of the subject; the level of force used must reflect the totality of the circumstance surrounding the situation; and officers use only the minimum force necessary.	Yes	Policy 300.

	<b>NPFUOF#16</b>	Policy	The PPD should document when officers point their firearms at individuals. As noted in the NPF report on the “Analysis of 2018 Use of Deadly Force by the Phoenix Police Department,” <sup>16</sup> agencies that require officers to document when they point their guns at individuals, but do not shoot, have significantly lower rates of fatal OIS. <sup>17</sup> Further, knowing the “universe” of incidents in which officers point their guns is necessary in order to make sense of observed racial disparities in OIS. <sup>18</sup> Many agencies require their officers to document when they point their guns at subjects, and the NPF can assist PPD with sample policies if necessary.	No	Not included in policy.
	<b>NPFUOF#17</b>	Transparency	The PPD should include in the policy that it will publish use of force review board findings while complying with the confidentiality requirements mandated in law.	Partial	302.4.2 RESPONSIBILITIES OF THE BOARD (last paragraph of policy) The Chief of Police Shall evaluate the recommendation and make a final determination as to whether the employee's actions were within policy and procedure and whether any additional actions, investigations, or reviews are appropriate. The Review Board's final findings will be forwarded to the Administrative Services Section for appropriate action. The findings by the Use of Force Review Board will be reported to the City Council's Public Safety Committee, by the Chief of Police as the law allows, during the statistical quarterly report.
	<b>NPFUOF#18</b>	Transparency	The department should make this policy available to the public on the department's web site.	Yes	Policy 300.

	<b>NPFUOF#19</b>		The application and reporting requirements in this policy should be incorporated into Policy 300 Use of Force. If the department chooses to keep the policies separate, this policy should be revised to mirror the language and intent of Policy 300.	Yes	309.1 PURPOSE AND SCOPE This policy provides guidelines for the issuance and use of TASER devices. The use of physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Department recognizes the value of all human life and dignity without bias.
	<b>NPFUOF#20</b>		The policy statement should be revised to discuss how the use of a CEW fits into less lethal options in effectively bringing an incident under control while protecting the officer, subject, and community.	Yes	309.1 PURPOSE AND SCOPE This policy provides guidelines for the issuance and use of TASER devices. The use of physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Department recognizes the value of all human life and dignity without bias.
	<b>NPFUOF#21</b>		The policy should include a definitions section that clearly defines the CEW, passive resistance, active resistance, violent, and potentially violent persons.	No	These terms are not used.

	NPFUOF#22		<p>The policy should define and describe elevated risk groups, their increased risk potential, and discuss the deployment of a CEW involving individuals in these groups. Offices should not be prohibited from using a CEW on such persons but should limit use to exceptional circumstances.</p>	Yes	<p>Policy 309 Conducted Energy Weapon (Taser)  309.5 SPECIAL DEPLOYMENT  CONSIDERATIONS</p> <p>The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:</p> <ul style="list-style-type: none"> <li>(a) Individuals who are known to be pregnant.</li> <li>(b) Elderly individuals or obvious juveniles.</li> <li>(c) Individuals who are handcuffed or otherwise restrained.</li> <li>(d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.</li> <li>(e) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicle, etc.)</li> </ul> <p>The TASER device shall not be used to psychologically torment, elicit statements or punish any individual.</p>
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	<b>NPFUOF#23</b>		The department should require by policy periodic downloading of CEW data. Regular downloading consistent with the manufacturer's recommendations will ensure the CEW's have updated firmware, synced time clocks, and provide the department with the ability to reconcile any discrepancies with use of force reports.	Yes	309.9 TRANSFER PROCEDURES Members shall dock their issued CEW battery for automated upload of data files monthly, after a deployment or when directed by a supervisor to ensure the timely transfer of data. This procedure ensures the regular downloading of CEW data consistent with the manufacturer's recommendations. With monthly docking of the CEW battery, this will ensure the CEW's have updated firmware, synced time clocks, and provide the department with the ability to reconcile any discrepancies with use of force reports.
	<b>NPFUOF#24</b>		The policy title, purpose, and policy statement should clearly identify that this policy sets guidelines and procedures for the investigation of an incident that includes the use of deadly force and/or the serious injury or death of a person that involved department employee(s) and not just officer involved shootings. The definition of deadly force should mirror the revised definition in Policy 300 Use of Force.	Yes	Policy 310 Officer-Involved Shootings and In-Custody Death Investigations  310.1 PURPOSE AND SCOPE This policy is to establish protocols for the investigation of incidents in which a police officer discharges his/her firearm during the course and scope of employment, or when any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code 835). The use of physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Department recognizes the value of all human life and dignity without bias.
	<b>NPFUOF#25</b>		The policy should include a policy statement that is consistent in format and language with all other use of force policies.	Yes	See above

	<b>NPFUOF#26</b>		The policy states that the administrative review should include an evaluation of department policies and procedures. The department should include in the administrative investigation, an evaluation of training, equipment, and supervision so that the requirements of Policy 302 Use of Force Review Boards are met.	Yes	
	<b>NPFUOF#27</b>		The policy should include a policy statement that is consistent in format and language with all other use of force policies.	Yes	
	<b>NPFUOF#28</b>		Section 312.6 Report of Firearm Discharge should be moved to Policy 300 Use of Force.	No	Remains stand alone section
	<b>NPFUOF#29</b>		Section 312.3.1(c) allows an officer to use an automatic weapon, heavy caliber rifle, gas, or other types of chemical weapon with supervisor approval. Subsection C should include a requirement that officers either must have completed training prior to use or may use with approval from a supervisor. While other sections within policy require officers to complete training prior to using weapons, this section does not reinforce the training requirement.	Yes	312.3.1 SAFETY CONSIDERATIONS (a) Officers shall not unnecessarily display or handle any firearm. (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range master. Officers shall not dry fire or practice quick draws except under Range master supervision (c) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), unless they have been properly trained, except with approval of a supervisor, or barring exigent circumstances.
	<b>NPFUOF#30</b>		Section 312.3.2 Storage of Firearms at Home should be retitled to Storage of Firearms away from Police Facilities to be more inclusive and reinforce the importance of always securing firearms.	Yes	Policy 312.3.2

	<b>NPFUOF#31</b>		Section 312.3.3 Alcohol and Drugs restrict officers from carrying a weapon if they have “consumed alcohol or taken any narcotics or any other substance that would tend to adversely affect the officer’s senses or judgment.” To reduce any confusion related to the definition of narcotic and to the policy, the PPD should remove the term “narcotic” and replace with “any substance.”	No	Not completed.
	<b>NPFUOF#32</b>		The policy should include a policy statement that is consistent in format and language with all other use of force policies. The policy should state the importance of weapons safety and proficiency to the safety of officers and the public.	No	
	<b>NPFUOF#33</b>		Section 318.1.1 Prohibited Uses and section 318.6 et al Apprehension Guidelines, should be removed from this policy and included in the revised Policy 300.	No	Remains stand alone section
	<b>NPFUOF#34</b>		Section 318.1.1 Prohibited Use should include the use of canines for crowd control. The use of canines for crowd control is not consistent with best practices in policing.	Yes	Policy 318.1.1 Prohibited Use (g) Crowd Control.

	<b>NPFUOF#35</b>		Section 318.6(d) Apprehension Guidelines, states "The individual(s) are suspected of a felony crime and or attempting to flee the scene of are suspected of concealing themselves so as to elude capture." The word "of" above, after the word "scene," should be changed to "or" to clarify policy meaning.	Yes	Policy 318.6.
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